IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

GWENDOLYN SMALLS, as Administratrix of the Estate of LINWOOD RAYMOND LAMBERT, JR., deceased,

Plaintiff,

Civil Action No. 4:15CV00017

v.

CHIEF OF POLICE, JAMES W. BINNER, COLONEL, Individually and in his official capacity, et als.,

Defendants.

PLAINTIFF'S NOTICE OF ELECTION OF REMEDY

COMES NOW Plaintiff, by counsel, and files this her Notice of Election of Remedy. Plaintiff having filed both a survival action for personal injury suffered by Linwood Lambert, Jr. on May 4, 2013, and a wrongful death claim as a result of the said personal injury, Plaintiff hereby notifies the Court that she wishes to proceed against the Defendants on the survival action only, and waive any claim she might have as to the wrongful death claim. Plaintiff requests the entry of an order to that effect.

GWENDOLYN SMALLS, Administratrix of the Estate of Linwood Lambert, Jr.

By Counsel

COUNSEL:

CERTIFICATE OF MAILING

I hereby certify that on the _23rd_ day of November 2016 I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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